

{III, 30a *Deed of Lease of an Apartment in Sicily for Forty Years for Joseph Yijū*

Probably Mazara, after 1136

ENA NS 16, f. 27

Vellum, brittle with some damage and somewhat faded writing. Not part of Goitein's India Book Collection.

This almost complete deed of lease reveals the plans and arrangements made by Abraham Ben Yijū's brother Joseph, after having been exiled (or emigrating) from his native al-Mahdiyya, to settle in Sicily for an extended period. The document's provenance was probably designated in the last few lines, now unfortunately missing. But since the rent is paid in Ducan *rubā'īs* (quarter dinars), the contract was certainly drawn up in Sicily, presumably in Mazara, where, as we know, from other documents, Joseph Yijū settled.

The proprietress of the residence was a Jewish woman with the rare name Umm al-'Izz, 'Distinguished Woman' (several men called Abu 'l-'Izz appear in the Geniza papers).¹ The terms of the contract, written in Judeo-Arabic, are quite unusual in comparison to rentals in Egypt attested in the Geniza papers. The latter are usually for relatively short periods, six months or a year. According to Goitein, rentals for as long as four or five years were made sometimes between relatives, but they were exceptional and the results of specific circumstances. Rent was usually paid at the end of the month, and a certain discount was allowed when payment was made in advance.² The forty-years rental, all paid in advance in this Sicilian document is, as far as I know, without parallel. Interestingly, either party was allowed to rescind the agreement at any time without penalty, and the full sum for the period, in which Joseph did not dwell in the apartment, would be refunded. Elsewhere Joseph complained that he was completely without means (III, 49v, lines 12 ff.). Perhaps the twenty dinars which Abraham Ben Yijū tried, through Maḍmūn b. Ḥasan's assistance, to send to Joseph ca. 1136 (II, 30, lines 18–21) reached him, and he used them to pay for this lease. The option to cancel and get a full refund may reflect Joseph's hope to return to al-Mahdiyya.

¹ {For the name Umm al-'Izz, see Ibn al-Zubayr, *Asmā'*, 1030.

² See Goitein, *Med. Soc.*, 4:91–97.

Obviously this is one of the family papers, which the Yijūs brought with them when they immigrated to Egypt.

Verso is blank except for a few words, in a smaller script, which have not yet been deciphered.

Translation

(1) There appeared before us, we the signatories to this document, Umm al-'Izz d. Zur'a. (2) She said to us:

Testify to me and perform with me the symbolic act of obligation, *as of now*, will all the (binding) terms of deeds. (3) Write and sign that which I hereby declare in your presence, (4) willingly and not coerced. Give it to R. Joseph b. R. Peraḥ[yā] (5) Ben Yijū. Namely, I have already collected from him twenty, good Ducan *rubā'īs* of legal tender, (6) full (weight), grain for grain,³ for which I have rented him an apartment, in my house—which I had purchased (7) [in the] neighborhood of the tower of the *Rayyis*—for forty years, at a rate of one half *rubā'ī* per year, for him to dwell (8) in [any] apartment that he chooses and of which he approves. We have agreed to this in the manner in which dwells everyone who (9) rents. Whatever falls into decay and requires repair, I shall repair for him, the way any landlord does.⁴

(10) Whenever either of us desires to cancel the agreement or believes that he has suffered damages from the other and is not able (11) to live together with him, he⁵ will collect his money, after I settle accounts with him, deducting from the twenty *rubā'īs* (12) the amount for the period he shall have dwelled there until the time of the cancellation, at a rate of one-half *rubā'ī* per year, (13) just as I have rented to him.

We wrote and signed the declaration which she had made in our presence, (14) after having performed with her the symbolic act of obligation, according to the most firm and binding regulations fixed by the ancients of *blessed memory* in circumstances such as (15) this [...]

³ Arabic *ḥabba ḥabba*. Precise to the weight of the last grain of barley of the standard coin's weight.

⁴ Such an arrangement is found in I, 24, side a, lines 10 ff.

⁵ Joseph.}